

CALIFORNIA STATE PERSONNEL BOARD MEETING  
801 Capitol Mall  
Sacramento, California

Public Session Location - Room 150  
Closed Session Location - Room 141

MID-MONTH BOARD MEETING MINUTES\*\*

September 24, 2002

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

BOARD MEMBERS PRESENT:

Ron Alvarado, President  
William Elkins, Vice President  
Florence Bos, Member

2. REPORT OF THE EXECUTIVE OFFICER - Walter Vaughn

The Board was advised of the following:

- A. State Personnel Board staff has developed and submitted to the State and Consumer Services Agency a proposal for reducing the General Fund expenditure by 20% for the 2003-2004 fiscal year. The reductions if implemented will impact critical functions.
- B. The State Personnel Board (SPB) has submitted a freeze exemption to refill the SPB Legislative Coordinator position.

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\*\* The State Personnel Board Summary Minutes can be obtained at the following Internet address:  
<http://www.spb.ca.gov/spbmeet/spbminrd.cfm>

3. REPORT OF THE CHIEF COUNSEL - Elise Rose

The Chief Counsel reported on the following:

Litigation:

- A. Connerly v. State Personnel Board (SPB) - Further briefs have been filed in response to the request of the Court. No further hearing date on the attorney fees motion have been scheduled
- B. California Department of Corrections (CDC) v. SPB/Villanueva - Oral argument was heard on September 18, 2002, before the 5<sup>th</sup> District Court of Appeal. The Court was concerned that CDC had not filed the Notice of Adverse Action as part of the record.
- C. SPB Administrative Law Judges (ALJ's) are meeting in Sacramento this week for their conference.
- D. SPB's State Employee Mediation Program - Seminar for SPB employees is scheduled for September 25, 2002. SPB ALJ's will be in attendance.
- E. SPB's Council of Counsels is meeting September 26, 2002.
- F. The Select Advisory Panel on SPB's Policy, Merit Employment and Technical Resources (formerly PRIDE) and Appeals Divisions will meet October 1, 2002.
- G. A freeze exemption is being sought the for SPB Staff Counsel position recently vacated.
- H. SPB continuing to pursue upgrading the vacated position (SPB Staff Counsel) to the Staff Counsel III level.

4. REPORT ON LEGISLATION - Judy Balmain

The Board was advised of the following:

- A. There has been no action from the Governor on the major bills that the State Personnel Board (SPB) is tracking. The Governor has until September 30, 2002, to act upon legislation.
- B. SPB staff is in the process of preparing a proposed legislative package, this package will be presented to the SPB at their October 8, 2002, meeting.

- C. The SPB's legislative proposals are due to State and Consumer Services Agency by November 15, 2002.
- D. The Joint Legislative Committee on Prison Construction and Operations chaired by Senator Polanco, is holding an informal hearing on the July 2002, State Auditor's Report "California Department of Corrections: A Shortage of Correctional Officers, along with Costly Labor Provisions, Raises Both Fiscal and Safety Concerns and Limits Management's Control." The SPB will be asked to address the retention and recruitment of the Department of Correction employees.

BOARD ACTIONS

5. STATE PERSONNEL BOARD SUMMARY MINUTES OF  
SEPTEMBER 11-12, 2002

ACTION: Adopted on September 24, 2002.  
VOTE: Alvarado, Elkins, Bos - Aye.

6. ADMINISTRATIVE LAW JUDGE CASES

On September 24, 2002, the adopted the following decisions presented by Elise Rose, Chief Counsel, California State Personnel Board.  
VOTE: Alvarado, Elkins, Bos - Aye.

CHIEF COUNSEL RESOLUTION

JOHN GARCIA, CASE NO. 02-0642  
Appeal from five percent reduction in salary for six months  
Associate Tax Auditor  
Board of Equalization at Houston, Texas  
ACTION: The State Personnel Board rejected the  
Administrative Law Judge's (ALJ's) proposed decision  
determining the appeal withdrawn. The case is to be  
reassigned to another ALJ

PROPOSED DECISIONS

VICKIE ADAMU, CASE NO. 01-4248



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Appeal from rejection during  
probationary period  
Staff Services Analyst (General)  
California Integrated Waste Management Board  
ACTION: Rejection during probationary period sustained

STEVE BUDOLFSON, CASE NO. 01-0794  
Appeal from dismissal  
Psychiatric Technician  
Sonoma - Developmental Center  
Department of Developmental Services  
ACTION: Dismissal revoked

JOHN HUGHES, CASE NO. 01-4078  
Appeal from ten percent reduction  
in salary for 12 months  
Correctional Sergeant  
Tehachapi - California Correctional Institution  
Department of Corrections  
ACTION: Administrative Law Judge's proposed decision  
rejected by Board. Board to decide case itself

ELIZABETH JACKSON, CASE NO. 02-1634  
Appeal from an Official Reprimand  
Public Safety Dispatcher II  
Department of California Highway Patrol  
ACTION: Official reprimand sustained

LEE MONTOYA, CASE NO. 02-0575  
Appeal from dismissal  
Fish and Game Warden  
Department of Fish and Game  
ACTION: Dismissal sustained

VAROOZH TOROSSIAN, CASE NO. 02-1147  
Appeal from non-punitive termination  
Transportation Engineer (Civil)  
Department of Transportation  
ACTION: Dismissal sustained

BEVERLY WILSON, CASE NO. 01-2614  
Appeal from ten working days suspension  
Administrative Support Assistant II  
Dominguez Hills - State University  
California State University  
ACTION: Ten working days suspension sustained

TONY PORCELLA, CASE NO. 01-2898  
Appeal from dismissal

Officer

Department of California Highway Patrol

ACTION: Administrative Law Judge's proposed decision  
rejected by Board. Board to decide case itself

PETITIONS FOR REHEARING

ANTHONY BERZINAS, CASE NO. 02-1693P

Appeal from rejection during probation

Supervisor of Building Trades

Department of General Services

ACTION: Petition for rehearing filed by appellant denied

MASON LEONARD, CASE NO. 02-0476

Appeal from dismissal

Caltrans Electrician II

Department of Transportation

ACTION: Petition for rehearing filed by appellant denied

7. RESOLUTION RE NOTICE OF GOVERNMENT CODE SECTION 18671.1  
EXTENSION.

ACTION: See pages 13-16.

8. WITHHOLD APPEALS

On September 24, 2002, the Board adopted the following  
decisions presented by Laura Aguilera, Assistant Executive  
Officer, California State Personnel Board.

VOTE: Alvarado, Elkins, Bos - Aye.

SERGIO ALANIZ, CASE NO. 01-3542

Classification: Youth Correctional Officer

California Youth Authority

ACTION: DENIED

VILLAMOR BALLON, CASE NO. 01-3958

Classification: Correctional Officer

Department of Corrections

ACTION: DISMISSED

JASON BROWN, CASE NO. 01-3547

Classification: Correctional Officer

Department of Corrections

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ACTION: DENIED

ARTURO CAMPOS, CASE NO. 01-3660  
Classification: Correctional Officer  
Department of Corrections  
ACTION: GRANTED

KATHERINE CILLONIZ, CASE NO. 01-3682  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED

SHEREE COBBINS, CASE NO. 01-3378  
Classification: Youth Correctional Officer  
California Youth Authority  
ACTION: DENIED

WILLIAM CROSS, CASE NO. 01-2489  
Classification: Teacher, (High School Social Science,  
Correctional Facility)  
California Youth Authority  
ACTION: DENIED

DAVID EAGLE, CASE NO. 01-3673  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED

FRANK ESPINOSA JR., CASE NO. 01-3494  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED

WILLIAM EVARO, CASE NO. 01-3549  
Classification: Correctional Officer  
Department of Corrections  
ACTION: GRANTED

EDWARD HODGKIN, CASE NO. 01-3632  
Classification: Correctional Lieutenant  
Department of Corrections  
ACTION: DENIED

KENNETH JOAQUIN, CASE NO. 01-3422  
Classification: Associate Right of Way Agent  
Department of Transportation

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ACTION: DENIED

AMBER JONES, CASE NO. 01-3636  
Classification: Medical Technical Assistant, CF  
Department of Corrections  
ACTION: DENIED

SCOTT KENNEDY, CASE NO. 01-3595  
Classification: Medical Technical Assistant, CF  
Department of Corrections  
ACTION: GRANTED

XOCHI LEOS, CASE NO. 01-3622  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED

RAMIL MABALOT, CASE NO. 01-3720  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED

LAANDRE MATHEWS, CASE NO. 01-3252  
Classification: Motor Vehicle Field Representative  
Department of Motor Vehicles  
ACTION: DENIED

SAM MAUGA, CASE NO. 01-3503  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED

ASVI PHUONG, CASE NO. 01-3497  
Classification: Youth Correctional Counselor  
California Youth Authority  
ACTION: GRANTED

ALEX REYES, CASE NO. 01-3716  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED

TOBY SALAZAR, CASE NO. 01-3460  
Classification: Hospital Police Officer  
Department of Mental Health  
ACTION: GRANTED

JOHN SANCHEZ, CASE NO. 01-3527  
Classification: Correctional Officer

Department of Corrections  
ACTION: DENIED

TA'SHARA SAUNDERS, CASE NO. 01-3463  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED

KEITH STANTON, CASE NO. 01-0316  
Classification: Deputy Commissioner, BOPT  
Board of Prison Terms  
ACTION: GRANTED

9. MEDICAL APPEALS

On September 24, 2002, the Board adopted the following decisions presented by Laura Aguilera, Assistant Executive Officer, California State Personnel Board.  
VOTE: Alvarado, Elkins, Bos - Aye.

TERRELL COLEMAN, CASE NO. 02-2519  
Classification: Cadet, CHP  
California Highway Patrol  
ACTION: GRANTED

EDWARD CONTRERAS, CASE NO. 02-1265  
Classification: Youth Correctional Counselor  
California Youth Authority  
ACTION: DISMISSED

JEFFREY LOWE, CASE NO. 02-0348  
Classification: Cadet, CHP  
California Highway Patrol  
ACTION: DISMISSED

ROBERT TOVAR, CASE NO. 02-1512  
Classification: Correctional Officer  
Department of Corrections  
ACTION: GRANTED

10. EXAMINATION APPEALS

MERIT ISSUE COMPLAINTS

On September 24, 2002, the Board adopted the following



decisions presented by Laura Aguilera, Assistant Executive Officer, California State Personnel Board.

VOTE: Alvarado, Elkins, Bos - Aye.

(Examination Appeal)

ROBERT BURKS, CASE NO. 01-3683  
Classification: Sergeant, CHP  
California Highway Patrol  
ACTION: DENIED

(Merit Issue Complaints)

JAMES ALEXANDER-PACE, CASE NO. 01-2401  
Classification: Psychiatric Technician  
Department of Developmental Services  
ACTION: DENIED

MARIO D. BATES, CASE NO. 00-2460  
Classification: Correctional Sergeant  
Department of Corrections  
ACTION: GRANTED

KELLY BRESHEARS, CASE NO. 00-2331  
Classification: Correctional Sergeant  
Department of Corrections  
ACTION: GRANTED

ARTURO CORDOVA, CASE NO. 00-2378  
Classification: Correctional Sergeant  
Department of Corrections  
ACTION: GRANTED

MARCO A. GUILIN, CASE NO. 00-2504  
Classification: Correctional Sergeant  
Department of Corrections  
ACTION: GRANTED

KEVIN HETHCOAT, CASE NO. 00-2322  
Classification: Correctional Sergeant  
Department of Corrections  
ACTION: GRANTED

HARVEY HUANG, CASE NO. 01-2565  
Classification: Staff Psychiatrist, CF  
Department of Corrections

ACTION: DENIED

GLENN MICHELMORE, case no. 00-3411  
Classification: Correctional Sergeant  
Department of Corrections  
ACTION: GRANTED

HENRY PASLEY, CASE NO. 00-2321  
Classification: Correctional Sergeant  
Department of Corrections  
ACTION: GRANTED

JAIME SHAW, CASE NO. 00-2381  
Classification: Correctional Sergeant  
Department of Corrections  
ACTION: GRANTED

11. NON-HEARING CALENDAR

On September 24, 2002, the Board adopted items A-C. These items were presented by Karen Coffee, Chief, Merit Employment and Technical Resources, California State Personnel Board.  
VOTE: Alvarado, Elkins, Bos - Aye.

- A. WORKERS' COMPENSATION INSURANCE SUPERVISOR, STATE  
COMPENSATION INSURANCE FUND (SCIF)  
WORKERS' COMPENSATION INSURANCE  
MANAGER, SCIF  
PROGRAM MANAGER I, SCIF  
PROGRAM MANAGER II, SCIF  
MANAGER III, SCIF  
MANAGER IV, SCIF  
The State Compensation Insurance Fund (SCIF) proposes revision to the Workers' Compensation Insurance Supervisor and Manager, SCIF series specification; establishment of a Program Manager I and Program Manager II, SCIF series specification; each with a 12-month probationary period; establishment of Alternate Range Criteria 443; and establishment of Footnote 24 for the classes of Manager III and Manager IV, SCIF.
- B. ENGINEERING GEOLOGIST SERIES  
ENGINEERING GEOLOGIST  
SENIOR ENGINEERING GEOLOGIST  
SUPERVISING ENGINEERING GEOLOGIST  
ASSOCIATE ENGINEERING GEOLOGIST  
HAZARDOUS SUBSTANCES ENGINEERING GEOLOGIST  
SENIOR HAZARDOUS SUBSTANCES ENGINEERING GEOLOGIST  
SUPERVISING HAZARDOUS SUBSTANCES ENGINEERING

GEOLOGIST I  
SUPERVISING HAZARDOUS SUBSTANCES ENGINEERING  
GEOLOGIST II  
HAZARDOUS SUBSTANCES ENGINEERING GEOLOGIST SERIES  
The State Water Resources Control Board, on behalf of  
all user departments, proposes to establish the  
Engineering Geologist series specification which  
consolidates the individual specifications for  
Engineering Geologist, Senior Engineering Geologist,  
Supervising Engineering Geologist, and Associate  
Engineering Geologist and to also consolidate the  
Hazardous Substances Engineering Geologist  
classification series into the Engineering Geologist  
series specification;

- C. LIBRARY TECHNICAL ASSISTANT (SAFETY)  
The Department of Corrections proposes to establish the  
new classification of Library Technical Assistant  
(Safety) to recognize the responsibilities that  
incumbents have working with and overseeing inmates.

12. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

- A. REQUESTS TO ESTABLISH NEW CEA POSITIONS CURRENTLY UNDER  
CONSIDERATION

None submitted.

- B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO  
ESTABLISH NEW CEA POSITIONS

CHIEF, OFFICE OF ENERGY MANAGEMENT

The Department of General Services' request to allocate  
the above position to the CEA category has been  
approved effective September 3, 2002.

ACTION: Noted

A D J O U R N M E N T

SUBMITTED

1. EXPEDITED HEARINGS - PROPOSED AMENDMENT TO STATE PERSONNEL BOARD RULE 52.4. (Hearing held May 7, 2002).

NO ACTION

2. ANSWER ON APPEALS FILED WITH STATE PERSONNEL BOARD. PROPOSED AMENDMENT TO STATE PERSONNEL BOARD RULE 63. (Hearing held May 7, 2002).

NO ACTION

3. Status of the State's Decentralized Testing. (Hearing held July 9, 2002).

NO ACTION

4. MERIT RULE - Proposed adoption of the new Section 250 to the California Code of Regulations (CCR) entitled Requirement that Selection be Based on Merit and Fitness. (Hearing held July 23, 2002).

NO ACTION

5. DANIEL ESQUIVEL, CASE NO. 01-2866. Appeal from dismissal. Department of Corrections. (Oral argument held September 11, 2002).

NO ACTION

**NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION**

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

**GOVERNMENT CODE § 18671.1 RESOLUTION**

**WHEREAS**, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

**WHEREAS**, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

**WHEREAS**, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

**WHEREAS**, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

\* \* \* \* \*

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting on September 24, 2002.

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WALTER VAUGHN  
Executive Officer  
California State Personnel Board

VOTE: Alvarado, Elkins, Bos - Aye.